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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/004,614	11/01/2001	Yuan-sheng Huang	67,200-565	8180	
7590 05/26/2006			EXAMINER		
TUNG & ASSOCIATES			ALEJANDRO MULERO, LUZ L		
Suite 120 838 W. Long Lake Road			ART UNIT	PAPER NUMBER	
Bloomfield Hills, MI 48302			1763		
			DATE MAILED: 05/26/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)		
10/004,614	HUANG ET AL.		
Examiner	Art Unit	_	
Luz L. Alejandro .	1763		

Before the Filing of an Appeal Brief	Examiner	Art Unit					
	Luz L. Alejandro .	1763					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress				
THE REPLY FILED <u>16 May 2006</u> FAILS TO PLACE THIS APF	PLICATION IN CONDITION FOR A	LLOWANCE.					
 The reply was filed after a final rejection, but prior to or o this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a No. (3) a Request for Continued Examination (RCE) in comp following time periods: 	owing replies: (1) an amendment, a otice of Appeal (with appeal fee) in diance with 37 CFR 1.114. The rep	ffidavit, or other evide compliance with 37 (ence, which CFR 41.31; or				
a) The period for reply expires 3 months from the mailing date of		a final rejection, whicheve	orio lator In no				
b) The period for reply expires on: (1) the mailing date of this Advevent, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b)	an SIX MONTHS from the mailing date o . ONLY CHECK BOX (b) WHEN THE F	f the final rejection.					
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).) and the appropriate out	encion foo have				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three month earned patent term adjustment. See 37 CFR 1.704(b).	and the corresponding amount of the fee. atutory period for reply originally set in the as after the mailing date of the final rejection	The appropriate extension of (2) final Office action, or (2) on, even if timely filed, ma	on fee under 37 as set forth in (b) ay reduce any				
2. The Notice of Appeal was filed on A brief in com	pliance with 37 CFR 41.37 must be	e filed within two mor	ths of the date				
of filing the Notice of Appeal (37 CFR 41.37(a)), or any e	extension thereof (37 CFR 41.37(e)), to avoid dismissal	of the appeal.				
Since a Notice of Appeal has been filed, any reply must AMENDMENTS	be filed within the time period set it	on 111 37 OFK 41.37	,a).				
3. The proposed amendment(s) filed after a final rejection.	but prior to the date of filing a brie	ef will not be entered	because ·				
(a) They raise new issues that would require further of	onsideration and/or search (see NC	TE below);	,				
(b) They raise the issue of new matter (see NOTE below	ow);						
(c) They are not deemed to place the application in be	etter form for appeal by materially r	educing or simplifying	g the issues for				
appeal; and/or	· · · · · · · · · · · · · · · · · · ·	signated plaims					
(d) They present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: (See 37 CFR 1.116 and 41.33(a)) 4. The amendments are not in compliance with 37 CFR 1.). 121. See attached Notice of Non-C	ompliant Amendmen	t (PTOL-324).				
		omphane / michamon					
 Applicant's reply has overcome the following rejection(s). Newly proposed or amended claim(s) would be strength the non-allowable claim(s). 	allowable if submitted in a separate	e, timely filed amendr	nent canceling				
7. For purposes of appeal, the proposed amendment(s): a how the new or amended claims would be rejected is profile that the status of the claim(s) is (or will be) as follows:) will not be entered, or b) vovided below or appended.	vill be entered and an	explanation of				
Claim(s) allowed:							
Claim(s) objected to:		•					
Claim(s) rejected: Claim(s) withdrawn from consideration:		•					
AFFIDAVIT OR OTHER EVIDENCE		•					
8. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good a and was not earlier presented. See 37 CFR 1.116(e).	nd sufficient reasons why the affida	avit or other evidence	is necessary				
 The affidavit or other evidence filed after the date of filin entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar 	overcome <u>all</u> rejections under appoars ory and was not earlier presented.	eal and/or appellant f See 37 CFR 41.33(d	ails to provide a)(1).				
10. The affidavit or other evidence is entered. An explanating REQUEST FOR RECONSIDERATION/OTHER							
11. The request for reconsideration has been considered by See Continuation Sheet.		Λ.	ance because:				
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)							
13. Other:	7	Luz L. Alejandro	W				
	`	Primary Examine	•				

Art Unit: 1763

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Ishii et al. fails to disclose the wafer lifter supplied with an electrical bias as claimed and the characteristics of the wafer lifter as claimed. Regarding the wafer lifter supplied with an electrical bias, note that as shown in fig. 12, the wafer lifter contacts portions of the apparatus that are applied with electrical bias and therefore, inherently, the wafer will be supplied with electrical bias.

Concerning the characteristics of the wafer lifter, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument that the support of Ishii et al. would likely interfere with a plasma process thereby defeating an advantage of applicant's disclosed and claimed invention, attorney's arguments cannot take the place of secondary evidence such as affidavits and declarations in the record.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the Ishii et al. reference with that of Brors et al. and Somekh et al. is clearly stated in the rejection stated above.

Regarding the fact that fig. 14 of Brors et al. does not disclose a wafer lifter, it is clear when giving the claim its broadest reasonable interpretation that element 234 can be considered a wafer lifter since without this element it does not appear that the wafer can be supported.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).